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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,646	01/07/2000	BILL J. BONNSTETTER	P03773US1	3342
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MARK D HANSING ZARLEY MCKEE THOMTE VOORHEES & SEASE 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 503092721				
EXAMINER JEANTY, ROMAIN				
ART UNIT			PAPER NUMBER	
3623				

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/479,646

Applicant(s)

BONNSTETTER ET AL.

Examiner

Romain Jeanty

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,9,10,12-14,22 and 23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6, 9-10, 12-14, and 22-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is in response to the communication received on October 24, 2005. Claims 6, 9-10, 12-14, 22-23 are pending in the application for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 6, 9-10, 12-14, and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6, 9, 10, 13, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunkow et al (U.S. Patent No. 5,879,165).

As per claims 22, and 23, Brunkow et al disclose:

(a) defining a set of competencies relevant to performance in the specific job (col. 2, lines 4-19);

(b) ranking the set of competencies in order of importance for the specific job to provide a set of defined job characteristics for the specific job (col. 2, lines 56-61);

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(c) surveying a set of high-performing individuals in the specific job to ascertain if they possess the competencies specified by the job to validate the set of competencies defined for the specific job (col. 5, lines 25-35);

(d) preparing a report regarding ranking of the set of defined job characteristics (col. 6, lines 23-30);

(e) providing a set of proposed interview questions related to the set of defined job characteristics to assist authorities to plan structured selection interviews (col. 6, lines 36-60);

(f) surveying an applicant or employee regarding said job to ascertain how said applicant or existing employee demonstrates said set of defined job characteristics (col. 7, lines 41-52);

(g) reporting a computerized comparison of potential performance of the applicant based upon demonstration of said defined job characteristics (col. 7, line 64 through col. 8 line 13);

As per claim 6, Brunkow further discloses wherein the set of high performing individuals comprises one or more persons (col. 5, lines 25-35);

As per claim 9, Brunkow further discloses surveying a potential applicant for said job to derive how said characteristics relate to said potential applicant (col. 7, lines 41-52).

As per claim 10, Brunkow further discloses comparing the surveying of the potential applicant with the surveying of the set of high performing individuals (col. 7, line 64 through col. 8 line 13).

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As per claim 13, Brunkow further discloses surveying a set of existing employees regarding said job to derive how said existing employees demonstrate said characteristics relative to said job (col. 7, lines 41-52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunkow (U.S. Patent No. 5,879,165).

As per claim 12, Brunkow fails to explicitly disclose wherein the existing employees include the set comprising employees in said job, employees subordinate to said job, employees superior to said job, customers interfacing with said job, and peers to said job. However, including this feature into Brunkow would have been obvious to a person of ordinary skill in the art at the time the invention was made with the motivation to provide learning or provide refreshing training to these persons.

As per claim 14, Brunkow teaches providing a test (survey) to the individual. Note abstract of Brunkow, however, but Brunkow does not explicitly disclose providing feedback to said employee existing employee in said job based on the surveying of existing employees. Including providing feedback to said employee existing employee in

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said job based on the surveying of existing employees in the disclosures of Brunkow would have been obvious to a person of ordinary skill in the art in order to make known to the employees of how he or she did on the test and to decide what type of training the employees may need.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. D'Alessandro (U.S. Patent No. 6,556,974) discloses a survey system and apparatus for evaluating the results.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Romain Jeanty
Primary Examiner
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